

# Migrant Narrative

UC Davis Global Migration Center

## Criminalization of Childhood Arrivals

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### Problem

*The threat of the termination of the Deferred Action for Childhood Arrivals (DACA) program has evoked urgent attention on the plight of migrants enrolled in this program, while obscuring the larger issue of the effects of contemporary migration law on all childhood arrival migrants. Some young adults with no criminal record may be ineligible for DACA and vulnerable to deportation because of a past history of juvenile delinquency, or due to racial profiling by law enforcement officers. Indeed, many childhood arrivals have already been deported after being questioned by law enforcement officers about crimes they did not commit and with which they were not charged. Like other deported childhood arrivals, they are especially unprepared for life in their country of origin, of which they often have little or no memory. While they may not be criminals, they are treated as if they were: combinations of family dysfunction, social neglect, and institutional discrimination seem to have criminalized them. Even when they overcome their circumstances, and focus their attention on family, work and education (assuming a profile not unlike those enrolled in DACA), they are still seen as criminals, and are unable to prevent incidental encounters with law enforcement officers from leading to their deportation.*

### Solution

*Deportation cases for all childhood arrivals should be carefully considered. Deferred action or paths to permanent residency and citizenship should be made available not only to those with pristine records, but also to those who have overcome difficult life circumstances and show promise for future contributions to the society in which they were raised and educated.*

### Observations

The digital stories of undocumented migrants who seem to have been identified unjustly as criminals and subsequently deported are helpful in understanding this unfortunate dynamic.

A young migrant named **Jorge** was brought to the US at age eight, and by age thirteen was driven from his home by an abusive stepfather. Homeless, he ended up entangled in the juvenile justice system. But at age nineteen, he had no adult criminal record when he was questioned in 2009 by local police about a crime in his neighborhood about which he was not able to offer helpful information. The police, who discovered that he was undocumented, turned him over to immigration authorities following Secure Communities protocols, which were supposed to focus resources on detaining and deporting criminal migrants. Jorge was never charged with any crime.

Upon being deported to Mexico, in his own words: “I did not know where I was, what I was doing.” Frightened, he returned immediately back to the US,

eventually moving to Alabama, where his sister was living, to start a new life.

There he was pulled over while driving by a police officer who again turned him over to immigration authorities. This time he was subject to federal prosecution for committing “illegal reentry,”

a felony, and was deported with no option for applying to even visit the US, where he has two children. He is afraid that even after that time he won’t be readmitted “‘cause the approval rate is very, very low, especially if



*Jorge before experiencing migration, homelessness, criminalization, deportation*

you've already been deported twice." Jorge recounts his experience in a digital narrative aptly titled [Made a Criminal in America](http://humanizandoladeportacion.ucdavis.edu/en/2017/08/05/hecho-un-criminal-en-america/)<sup>1</sup>

Another young migrant, **Chris Cuauhtli**, explains that he was brought undocumented to the United States when he was "sold off" by his father and adopted informally after having been left with his siblings in an orphanage in Tijuana. His adoptive parents later divorced, his mother rejecting him, leaving him with his adoptive father who "was not gonna do anything to adjust my legal status." He ended up with a criminal record as a juvenile that led to deportation proceedings. While he tried to defend himself, he missed a court date, which eventually led to his deportation.

Upon arriving in Mexico, he was immediately identifiable by his lack of fluency in Spanish and was harassed on several occasions on his first day there by corrupt police. He describes his reaction: "Fearing for my safety, I fled back across the border." Back in the US, he rebuilt his life, engaging in community service, and raising a young daughter. "I had totally changed from the troubled youth that I was." Five years after his deportation, he was the victim of a crime, and called the police who "immediately because of my appearance of long hair and tattoos and being a person of color, they automatically assumed I was the perpetrator". The officers turned him over to migration authorities for deportation. No consideration was made for his young daughter. Nor could he make any headway in an appeal where he argued that he should have been granted legal residency as an adopted child of US citizens.

Chris, in his digital story titled [And Still I Dream](http://humanizandoladeportacion.ucdavis.edu/en/2019/05/06/164-and-still-i-dream/)<sup>2</sup> expresses great sadness at his inability to properly care for his daughter: "now she's in a situation of possibly being in the same cycle that I was trying to break, the cycle that I was in, that her mother was in, of not having parents."

Together the two cases eloquently illustrate the need to expand the discussion on childhood arrivals beyond that of the narrowly defined group eligible for protection under DACA. In addition, they draw attention to the damage done by racial profiling and



*Chris Cuauhtli with his baby daughter, prior to his most recent deportation*

processes of neglect that lead to the criminalization to many youths of color. Felony processing for illegal reentry, furthermore, exacerbates the injustice done in their deportation, and the harm that may extend beyond the lives of migrants to those of their children or other loved ones.

All cases of childhood arrivals should be evaluated with much greater care and discretion.

## About Our Center

The UC Davis Global Migration Center studies immigration with a multi-disciplinary approach to better understand the immigration and integration of vulnerable migrants, including undocumented immigrants, temporary migrants and more.

For more information, visit us online at: [globalmigration.ucdavis.edu](http://globalmigration.ucdavis.edu)

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<sup>1</sup> <http://humanizandoladeportacion.ucdavis.edu/en/2017/08/05/hecho-un-criminal-en-america/>  
<sup>2</sup> <http://humanizandoladeportacion.ucdavis.edu/en/2019/05/06/164-and-still-i-dream/>